WP(C) 456/2007

BEFORE

HON'BLE JUSTICE MR I. A. ANSARI

Heard Mr. R. P. Sarmah, learned counsel for the petitioner, and Mr. K. Borkotoki, learned counsel for respondents.

The petitioner's grievance is that he is a national award winner as a meritorious teacher. The Government has also a policy of extending the term of service of such teachers on their superannuation. The petitioner already stands retired with effect from 31.01.07 on superannuation. However, before the date of his retirement, a proposal was submitted to the respondent No. 1, namely, the Commissioner-Secretary, Education (Elementary) Department, Govt. of Assam, by the respondent No. 2, namely, the Director of Elementary Education, Assam, whereunder the respondent No. 2 proposed for extension of service of the petitioner after retirement. No order has, however, been passed so far by the respondent concerned. It is in these circumstances that the petitioner has approached this Court seeking appropriate relief.

Considering the matter in its entirety and in the interest of justice, respondent No. 1, namely, the Commissioner-Secretary, Education (Elementary) Department, Govt. of Assam, is hereby directed to examine the petitioner's case in the light of the relevant Government policy and in accordance with law. The whole exercise, so directed, shall be completed within a period of two months from the date of receipt of a certified copy of this order by the respondent No. 1. The writ petitioner shall furnish to the respondent No. 1 a certified copy of this order along with copy of this writ petition and annexures thereto.

Whatever decision is arrived at by the respondents/authorities concerned, the same shall be communicated, in writing, to the writ petitioner.

If the petitioner feels aggrieved by the decision, which may be reached by the respondents/authorities concerned, the petitioner shall be at liberty to take recourse to such provisions of law as may be permissible.